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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN PETTITT, MURPHY LABRADOR
CORPORATION, MAX GSD TRUST OF
1998 BY BARBARA MUSSER,
TRUSTEE,

Plaintiffs,

v.

JOHN CHIANG, individually and in his
capacity as STATE CONTROLLER OF
THE STATE OF CALIFORNIA,

Defendant.

Case No.: CV 07-05854 CW

**[PROPOSED] ORDER DENYING
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

The motion to dismiss the First Amended Complaint filed by defendant John Chiang, California State Controller, pursuant to Federal Rules of Civil Procedure 12(b)(6) came on regularly for hearing on April 24, 2008, in Department 2 of the above-entitled Court, the Honorable Claudia Wilken presiding. After reviewing the moving, opposition, and reply papers, and all supporting documents, and considering the arguments of counsel, and GOOD CAUSE APPEARING THEREFORE,

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1 IT IS HEREBY ORDERED that the Controller's motion to dismiss is denied.

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3 **SO ORDERED**

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5 Dated: _____

6 CLAUDIA WILKEN
United States District Judge
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